

PUBLIC HEALTH BRANCH

Denotification

The Notification No. 101114 for the Land Acquisition under the provision of section IV of the Land Acquisition Act, 1894 for providing Sewerage Scheme, Mandi Town, Ellenabad (Dhani Jatan), Tehsil Sirsa, District Hissar (Now Sirsa) published in *Haryana Government Gazette*, dated 2nd June, 1975 at page 800, is hereby withdrawn.

(Sd.) . . .

Superintending Engineer,
P.W.D., Public Health Circle,
Hissar.

IRRIGATION DEPARTMENT

The 30th November, 1977

No. 13918/IL/SYL.—Whereas it appears to the Governor of Haryana that the land specified below is needed by the Government at public expense for a public purpose, namely for additional land proposed to be acquired for kiln opposite R. D. 50,782 right of Narwana Branch, Karnal Link for construction of proposed Sutlej Yamuna Link Canal (Parallel to Narwana Branch, Karnal link) in village Narwana, Tehsil Karnal and District Karnal, it is hereby notified that the land in the locality specified below is to be required for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 for the information of all to whom it may concern. In exercise of the powers conferred by aforesaid section, the Governor of Haryana is hereby authorise the Officers of Irrigation Department for the time being engaged in the undertaking alongwith their servants, workman etc. to enter upon and survey land in the locality and do all other acts required or permitted by that section.

Further whereas the Governor of Haryana is satisfied that the land is required for additional land proposed to be acquired for kiln opposite R D 50,782 right of Narwana Branch, Karnal link for construction of proposed Sutlej Yamuna Link Canal (Parallel to Narwana Branch, Karnal Link) in village Naraina, Tehsil Karnal, District Karnal which is of very urgent importance within the meaning of clause (c) of sub-section (2) of section 17 of the said Act and whereas the Governor of Haryana is of the opinion that the provision of sub-section (2) of the said section are thus applicable, it is hereby directed under sub-section (4) of section 17 of the said Act that the provision of section 5-A of the said Act shall not apply in regard to this acquisition.

SPECIFICATION

District	Tehsil	Village	Area in acres	Hadbast No.	Rectangle No.	Khasra No.	Boundaries
Karnal	Karnal	Naraina	3.82	60	55	7(Full)	A plot of land on right side of Narwana Branch, Karnal Link opposite R. D. 50,782 measuring 3.82 acres in area as shown on the index plan and as demarcated at site.
					55	6(Part)	
					54	10(Part)	
					55	14/1(Part)	
					55	15/2(Part)	

No. 13925/IL/SYL.—Whereas the Governor of Haryana is satisfied that the land specified below is needed urgently by the Government at public expenses namely, for additional land proposed to be acquired for kiln opposite R D 50,782 right of Narwana Branch, Karnal Link for construction of proposed Sutlej Yamuna Link Canal (parallel to Narwana Branch, Karnal Link) in village Naraina, Tehsil Karnal and District Karnal for which a notification has been issued under sub-section (4) of section 17 read with clause (c) of sub-section (2) of section 17 of the said Act and published,—vide Haryana Government notification No. 13918/IL/SYL, dated 30th November, 1977 in *Haryana Government Gazette*, Part I, it is hereby declared that the land described in the specifications below is required urgently for the above purposed. This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 for the information of all to whom it may concern.

The Plans of the land may be inspected in the office of the Collector, Karnal and the Executive Engineer, Setlej-Yamuna Link Division No. XIII, Karnal.

SPECIFICATION

District	Tehsil	Village	Area in acres	Hadbast No.	Rectangle No.	Khasra Nos.	Boundaries
Karnal	Karnal	Naraina	3.82	60	55	7 (Full)	A plot of land on right side of Narwana Branch, Karnal Link opposite RD. 50782 measuring 3.82 acres in area as shown on the index plan and as demarcated at site.
					55	6 (Part)	
					54	10 (Part)	
					55	14/1 (Part)	
					55	15/2 (Part)	

By order of the Governor of Haryana.

A. K. MALHOTRA,
Superintending Engineer,
S.Y.I. Circle No. IV, Karnal.

LABOUR DEPARTMENT

The 30th November, 1977

No. 18346-4Lab-77/30805.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s. The Jiwan Agriculture and Iron Goods Production Co-operative Society Ltd., Delhi Road, Bahadurgarh :—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 71 of 1976

between

SHRI RAM SINGH SHARMA WORKMAN AND THE MANAGEMENT OF M/S THE
JIWAN AGRICULTURE & IRON GOODS PRODUCTION CO-OP.
SOCIETY LIMITED, DELHI ROAD, BAHADURGARH.

AWARD

By order No. ID/RK/405-A-76/32540, dated 1st September, 1977, the Governor of Haryana referred the following dispute between the management of M/s. The Jiwan Agriculture & Iron Goods Production Co-operative Society Ltd., Delhi Road Bahadurgarh, and its workman Shri Ram Singh to this Court for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ram Singh Sharma was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings.

The workman alleged,—*vide* claim statement filed by him in conformity with the notice of demand, dated 17th March, 1976 served by him on the management that the later terminated his services illegally w.e.f. 16th May, 1975 without assigning any reasons and without holding any enquiry against him and that he was entitled to reinstatement with continuity of service and full back wages.

The management resisted the demand of Shri Ram Singh Sharma, on the plea that he was not a workman within the definition of this term as given in section 2(s) of the Industrial Disputes Act and that he had been appointed as a Manager and the reference made to this Court was thus bad in law. They denied the allegations of the workman concerned that his services were terminated by them and gave out that he himself absented from duty w.e.f. 15th May, 1975 and failed to resume duty despite letter, dated 22nd May, 1975 sent to him and that his name had thus to be struck off the rolls on account of his long continued absence and he was informed of this again,—vide letter dated 1st June, 1975.

The workman reiterated the allegations made by him in the claim statement and controverted the pleas of the management,—vide rejoinder filed by him with the result that the following issues were framed on pleas of the parties,—vide order dated 7th February, 1977 :—

1. Whether Shri Ram Singh Sharma was employed with the management as a workman within the definition of this term as given in section 2(s) of the Industrial Disputes Act ?
2. Whether the workman absented himself from duty with effect from 15th May, 1975 and continued to do so thereafter despite notice given to him by the management to resume his duties, and his name was consequently struck off the rolls,—vide telegram dated 1st June, 1975 ?
3. Whether the management closed their factory during the period from 15th May, 1975 to January, 1976 and they refused to take Shri Ram Singh on duty on 19th January, 1976 and 17th March, 1976 on his reporting to them for that purpose ?
4. Whether the termination of services of Shri Ram Singh was justified and in order ? If not, to what relief is he entitled ?

I have heard learned authorised representatives of the parties and seen the records. I decide the issues as under :

Issue No. 1

Shri U.S. Panwar M.W.-1 the sole witness examined by the management admitted that Shri Ram Singh did all office work including that of making entries in cash book and ledger book in his own handwriting. He could not mention any of the managerial duty of Shri Ram Singh in his statement and in absence of the same his statement that he (Shri Ram Singh) was appointed as a Manager, does not wash all the effect of his admission that Shri Ram Singh did clerical work, establishing that he was employed as a workman. Shri Ram Singh appeared as his own witness and deposed that he was appointed as part-time Clerk-cum-Accountant with effect from 1st November, 1971. The admission made by him in the notice of demand dated 17th March, 1976 that he had been appointed as a Manager, in absence of any evidence on record in respect of his managerial duties, does not rebut the effect of the admission of Shri U.S. Panwar referred to above establishing his employment as a workman. I, thus relying on the aforesaid admission and the statement of Shri Ram Singh made by him in this Court decide this issue in his favour.

Issue No. 2

The management in order to prove their pleas covered by this issue examined Shri U.S. Panwar who gave out that the workman concerned absented himself from duty with effect from 15th May, 1975 and failed to resume his work despite letter, dated 22nd May, 1975 copy Exhibit M-4 sent to him under postal certificate copy Exhibit M-3. It is significant to note, that the date on the seal of the post office affixed on the postal certificate Exhibit M-3 is not legible and it cannot therefore be said this certificate relates to the letter, dated 22nd May, 1975 copy Exhibit M-4 or is otherwise genuine. I am thus not satisfied with the mere oral statement of Shri U.S. Panwar that the letter copy Exhibit M-4 was actually sent to the workman concerned particularly when this part of his statement is found duly rebutted by the statement of workman himself that he never absented himself from duty and that the management on the other hand terminated his services with effect from 16th May, 1975.

It is further significant to note that the management did not examine the scribe of the attendance register of their employees showing the absence of the workman concerned with effect from 15th May, 1975 or 16th May, 1975 and the withholding of the best evidence in their possession by them, in absence of any explanation for the same leads to a presumption, that if brought, such evidence would have substantiated the case put forth by the workman and rebutted their plea that he absented himself from duty with effect from 15th May, 1975 and that his name was struck off as a result of his long continued absence. Even otherwise the attendance register relied on by the management, showing the absence of the workman from 15th May, 1975 to 31st May, 1975 is an evidence in their own favour and cannot be relied upon

particularly when the scribe of the entries therein was not examined. Above all there does not seem to be ostensible reason for the workman abandoning his job held by him since 1st November, 1971. The story thus put forth by the management in respect of voluntary absence of the workman from duty is obviously manipulated and incorrect. I, thus placing no reliance on the sole, uncorroborated oral testimony of Shri U.S. Panwar believe the statement of Shri Ram Singh workman concerned and decide this issue against the management.

Issue No. 3

None of the parties in fact set up a case that the management ever closed their factory and the only suggestion made by the workman was that they represented to him about closure of their factory from 15th May, 1975 to January, 1976 and this issue is obviously redundant). I hold accordingly.

Issue No. 4

Shri Kanwal Singh vehemently contended with reference to authorities reported as 1977 L.I.C. 959 and 1977 L.I.C. 1572, both of the Andhra Pradesh High Court, that an individual workman could raise a dispute only under the Shop and Establishment Act and that a reference made of such a dispute under section 2(a) of the Industrial Disputes Act was illegal. I have carefully gone through the authorities referred to above and find that the same relate to the interpretation meaning import and applicability of the provisions of Andhra Pradesh Shops and Establishment Act 15 of 1966 *vis a vis* the interpretation and applicability of the provisions of section 2(a) of the Industrial Disputes Act while laying down that the remedy of an individual workman in case of wrongful termination of his services was under the former Act and not under the latter Act. It is thus sufficient to state that Andhra Pradesh Shops and Establishment Act being not applicable to the case in hand none of the authorities is in point to the matters in dispute and has as such no application. In view of my findings on issue Nos. 1 and 2, the management are proved to have terminated the services of the workman concerned without holding any enquiry and without assigning any reasons and he is obviously entitled to reinstatement with continuity of service and full back wages. I hold accordingly and answer the reference while returning the award in these terms.

Dated 15th November, 1977.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2533, dated 21st November, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana, Rohtak.

G. V. GUPTA, Secy.